

1 A -- that --

2 Q Did you consult with any other attorney other than
3 your, your partner in connection with rendering the advice
4 which you have described this, this morning?

5 A No, sir.

6 Q Did you consult with any authority other than the
7 authorities that you have described this morning in rendering
8 the advice?

9 A No, sir. Only what I've described to you.

10 Q Let's -- I'd like to turn now to paragraph 24 --
11 paragraph 26, rather, of your testimony. And then I have
12 referenced to the discussions you had primarily with Alan
13 Glasser and with Roy Stewart in -- which are referenced in
14 paragraph 26. Read that -- read paragraph 26 to yourself. Do
15 you see that?

16 A Yes, sir.

17 Q Now, you testify in your written testimony, "I even
18 mentioned that Mrs. Duff was an employee of TBN." And, and
19 you mentioned that, I take it, to Alan Glasser. That's --

20 A Yes.

21 Q -- what you're testifying to. Is that correct?

22 A Yes, sir.

23 Q And why did you tell that to Mr. Glasser?

24 A Because I had a number of meetings with Mr. Glasser
25 in which he was reviewing the application. Alan had al-- Mr.

1 | Glasser had also been the staff attorney for the Commission
2 | that dealt with a number of other petitions and materials that
3 | had been filed to projects that Dr. Crouch was involved in.
4 | And, so, in some sense, I think he, he felt as if he had a
5 | pretty good understanding or knew Dr. Crouch and knew the
6 | Trinity organization.

7 | Q But that's not the question.

8 | A Well, I'm, I'm trying to --

9 | Q The question is why did you tell that to her? Why
10 | did you tell that to him?

11 | A Because in our conversations Alan would inquire
12 | about things like that. It -- is Trinity going to provide the
13 | programming? And -- yes, they're going to provide program-
14 | ming. And in that context of the exchange that occurred, it
15 | even came up that Mrs. Duff was going to be an employee.
16 | Now --

17 | Q You told him that?

18 | A Yes. I mean, was an employee of TBN.

19 | Q Did you volunteer that or did he ask you?

20 | A I, I honestly don't recall whether it just was
21 | voluntary or whether it was responsive to some inquiry.

22 | Q The question that I put to you is: if you told Alan
23 | Glasser that Mrs. Duff was an employee of TBN, why didn't you
24 | tell him the facts that are set forth in paragraph 24 of your
25 | testimony concerning the relationship of NMTV to TBN?

1 A Well, I think a number of them were discussed with
2 Mr. Glasser.

3 Q Well, let's go through that.

4 A Well, for example, that programming would be pro-
5 vided by TBN to NMTV.

6 Q Did you tell Mr. Glasser that TBN was going to
7 provide NMTV an open line of credit?

8 A I, I indicated that the certification and the appli-
9 cation was based on loans that would be coming from TBN.

10 Q Did --

11 A I don't believe that we then got into the question
12 about the mechanics of that, but that the certification and
13 the application was provided along those lines.

14 Q But you didn't tell him that, that TBN was to pro-
15 vide an open line of credit for NMTV?

16 A I don't -- no, sir, I don't believe so.

17 Q And did you tell Alan Glasser that TBN was going to
18 provide NMTV with business and accounting services such as
19 accounts payable and payroll processing?

20 A No, sir. That never -- no, sir. That didn't come
21 up.

22 Q And did you tell Alan Glasser that NMTV was to use
23 and have access to TBN's employees to aid in engineering
24 matters, station and studio construction and FCC applications?

25 A I, I don't, I don't know that that came up either.

1 No, sir, I don't have any memory of doing that.

2 Q And did you tell Alan Glasser that TBN and its
3 employees were to provide technical and engineering advice and
4 operational and maintenance manuals for NMTV?

5 A I have no memory of that.

6 Q And did you tell them that NMTV and TBN were to
7 share common officers and personnel performing ministerial
8 functions?

9 A Dr. Crouch was disclosed. I, I don't know that the
10 question of officers came up and I know that in my testimony I
11 acknowledge that in fact there were two assistant-secretaries
12 that I had neglected to put into the application.

13 Q And did you tell Alan Glasser that NMTV and TBN had
14 similar insurance and benefit plans?

15 A I don't believe there were any insurance or benefit
16 plans at the time.

17 Q As of the time you spoke with Alan Glasser, did you
18 tell him how much money NMTV owed TBN?

19 A No, sir. I don't believe that came up. It was --
20 the financial question was in the context of the certification
21 that was in the 314 application.

22 Q Now, did you advise the Commission staff while the
23 Odessa Application was pending of the information set forth in
24 paragraph 24 of your testimony?

25 A Well, other than how you and I just went through it.

1 In some instances yes, and in other instances no.

2 Q Now, was the information set forth in paragraph 24
3 of your testimony supplied to the Commission prior to the
4 Commission's letter to NMTV dated March 30, 1992, and I can
5 get you that letter? This is in evidence, Mr. May. This is
6 the, this is the letter to NMTV dated March 30, 1992.

7 JUDGE CHACHKIN: What exhibit number is that?

8 MR. COHEN: 219, Your Honor.

9 JUDGE CHACHKIN: Is that Bureau Exhibit 219 or --

10 MR. COHEN: No, it's Glendale.

11 JUDGE CHACHKIN: Glendale Exhibit 219. All right.

12 BY MR. COHEN:

13 Q And my question is: was the information set forth
14 in paragraph 24 of your testimony supplied to the Commission
15 prior to the time the Commission wrote NMTV on March 30, 1992?

16 A Yes, portions of it were. Yes, sir.

17 Q Would you -- I want to be, I want to be fair to you.
18 Please, please state for the record what portions of, of the
19 information had been provided to the Commission prior to March
20 30, 1992.

21 A Well, I, I mean, I just --

22 Q And why don't you go through your testimony and tell
23 me which -- what had been supplied to the Commission.

24 A You want me to work off paragraph 24?

25 Q I think that would be the quickest way to proceed,

1 but if you want to -- let's start with that, and then --

2 A Well, for example, the programs. In meetings with
3 Mr. Glasser at the time the Odessa Application was being
4 processed, the conversation of programs did come up --

5 Q You mean --

6 A -- and I indicated that, that there were programs to
7 be provided. In addition, the --

8 Q When, when you say programs --

9 A You, you --

10 Q -- are you talking about the, are you talking about
11 the programming at TBN to be carried over the Odessa station?
12 Is that what you mean by programs?

13 A Yes.

14 Q Yes.

15 A That, that this NMTV organization was going to be
16 carrying in Odessa Trinity programs.

17 Q Okay. So, you did tell that -- that wasn't -- you,
18 you told that to Mr. Glasser? Very --

19 A Yes, sir.

20 Q -- well. Okay.

21 A And in, and in addition, the Odessa Application did
22 reference the previous Translator applications that Translator
23 TV, now National Minority, had submitted. In those applica-
24 tions, it was shown that they were going to retranslate the
25 satellite signal of the Trinity Broadcasting Network --

1 Q All right. I'm, I'm satisfied on the programming.

2 A Okay.

3 Q Now, let's go on.

4 A Okay. There was also program affiliations which I
5 believe were -- well --

6 Q Well, let's do it this way, and then you --

7 A -- it may have been submitted to the Commission --

8 Q Let's do it this way. Let's --

9 A -- prior to this March -- I, I'm trying to do what
10 you asked me.

11 Q I know. Let -- I'm going to try to be more helpful
12 so we can do this quicker so we can get you out of here. So,
13 what you're testim-- you're testifying is that prior to March
14 30, 1992, the Commission had been advised that NMTV was to
15 have a program or had a Program Affiliation Agreement with
16 TBN? That's your testimony?

17 A That programming from Trinity would be carried on
18 the Odessa station. I, I'm -- I don't want to say the word
19 Program Affiliation Agreement per se.

20 Q Okay. I'll accept that. Now, had it been provided
21 to the Commission prior to March 19--

22 A Well, let me say this, though, that, that prior to
23 March 30, '92, I believe copies of the Affiliation Agreements
24 had been submitted to the Commission.

25 Q I'll accept that.

1 A All right.

2 Q Now, had it, had it been provided to the Commission
3 prior to March 19-- March 30, 1992, that TBN was to advance
4 loans and provide an open line of credit for NMTV?

5 A The -- again, based on the conversations I had with
6 Mr. Glasser, that the certification in the Odessa Application
7 was based on a commitment from Trinity to NMTV. And, in
8 addition, to the extent that the Odessa Application did refer
9 to the previous applications for translator stations filed,
10 those financial agreements between Trinity and NMTV were
11 disclosed.

12 Q But was the Commission ever informed prior to March
13 19-- March 30, 1992, that Trinity was going to provide an open
14 line of credit for NMTV?

15 A I, I, I don't believe that they were.

16 Q Prior to March 30, 1992, was the Commission ever
17 informed that TBN was to provide NMTV with business and ac-
18 counting services such as accounts payable and payroll
19 processing?

20 A I don't, I don't believe so.

21 Q Prior to March 1930-- 19-- March 30, 1992, had the
22 Commission been informed that TBN -- NMTV, rather, was to use
23 and have access to TBN employees to aid in engineering mat-
24 ters, station and studio construction, and FCC applications?

25 A Here there are a number of instances in which

1 applications that were submitted by National Minority showed
2 that their technical consultants or that engineers who had
3 worked in connection with the application were also the same
4 individuals who had done similar functions on behalf of TBN.

5 Q For example, Warren Miller?

6 A Yes. For example, Ben Miller.

7 Q Had it ever been disclosed --

8 A And, for example, Kevin Fisher from Smith and
9 Powstenko.

10 Q Let's talk about Ben Miller. There are applications
11 in evidence in this proceeding where Warren Miller prepared
12 the engineering portion of the application and he identified
13 himself in one instance as a technical consultant and in
14 another instance he identified himself, identified himself as
15 consulting engineer. And I can find those documents for you;
16 accept that as a fact. Was it ever disclosed to the
17 Commission prior to March 30, 1992, what activities Mr. Miller
18 -- or what services, rather, Mr. Miller provided for NMTV?

19 A Well, I mean, again, in the engineering portions of
20 the applications filed by NMTV that he worked on, then in that
21 sense yes, they were told that he had done this work.

22 Q I am going -- I, I understand that. But my question
23 is, is not that. It's a different one. Was the Commission
24 ever informed what services Mr. Miller had provided for NMTV
25 other than preparing applications which were filed with the

1 Commission?

2 A I don't, I don't recall if it was.

3 Q Now, Kevin Fisher is a consulting engineer. Kevin
4 Fisher is not a TBN employee. Am I correct?

5 A Yes. He's a consulting engineer here in Washington,
6 D. C.

7 Q And, so, prior to March 30, 1992, was it ever re-
8 ported to the Commission that TBN and its employees provided
9 technical and engineering advice and operational and mainte-
10 nance manuals for NMTV?

11 A I mean, other than in the context of the engineering
12 portion of applications filed, I don't believe so.

13 Q And was it ever reported to the Commission prior to
14 March 30, 1992, that NMTV and TBN shared personnel performing
15 ministerial functions?

16 A Other than the, the involvement of Dr. Crouch and
17 Mrs. Duff and then in other context and other NMTV filings, as
18 well as TBN filings and for other organizations, the fact that
19 there were common officers as between those multiple compa-
20 nies. I mean, in other words, there was disclosure that there
21 were common officers between the companies.

22 Q I accept that.

23 A And that in that extent that there were these per-
24 sonnel that were common as between the companies.

25 Q Would you turn to paragraph 28, please. Now, I want

1 to ask you to please read the paragraph to yourself, and I
2 have a few questions about it.

3 (Off the record.)

4 (On the record.)

5 MR. COHEN: We're going to start a -- this is a new
6 area.

7 JUDGE CHACHKIN: All right. We'll be in recess till
8 1:30.

9 (Whereupon, at 12:25 p.m. the hearing was in recess
10 until 1:30 p.m.)

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EXHIBIT 4

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AUG 7 1985

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Office of the Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL
FILE

In the Matter of)
)
Reexamination of the "Single Majority) MM Docket No. 85-192
Stockholder" and "Minority Incentive")
Provisions of Section 73.3555 of the)
Commission's Rules and Regulations)

COMMENTS OF BLACK CITIZENS FOR A FAIR MEDIA,
NATIONAL ASSOCIATION FOR BETTER BROADCASTING, AND
TELECOMMUNICATIONS RESEARCH AND ACTION CENTER

Black Citizens for a Fair Media ("BCFM"), the National Association for Better Broadcasting ("NABB"), and Telecommunications Research and Action Center ("TRAC") hereby submit these comments in response to the Notice of Proposed Rule Making in the above-captioned proceeding released July 1, 1985.¹

The Notice in this rulemaking is intended to respond to congressional and public concern that the goal of the "Minority

1 Each of these parties is well known to the Commission for its long-standing concern with maximizing diversity of programming and ownership and its participation in Commission and related proceedings dealing with diversity issues. TRAC and NABB, located in Washington, D.C., and Los Angeles, respectively, have national constituencies, while BCFM's organizational base is located in New York City. These parties also filed comments in the Commission's multiple ownership rules proceeding, Memorandum Opinion and Order in Gen. Docket No. 83-1009, FCC 84-638 (released February 1, 1985), and in those comments expressed concern that minority ownership and diversity were being eroded by the increase in number of stations and increased thresholds for attribution permitted by the Commission.

Incentive" provision of the multiple ownership rules, to encourage investment in minority-controlled licensees, is thwarted by the "Single Majority Stockholder" exemption of the "Attribution Rules." The concern arises from the apparent investment competition which the Single Majority Shareholder exemption creates for capital which might otherwise go to minority-controlled licensees. The Notice finds that no action is warranted because the criteria for the two rules are sufficiently diverse that an investment may meet the criteria for the Minority Incentive program but not for the Single Majority Stockholder exemption. Id. at 4. The Commission relies primarily on the ownership interest limitation to the Single Majority Stockholder exemption, which requires that ownership be attributed to non-majority investors occupying corporate officer or director positions, while investors in minority-controlled stations may occupy such positions and still take advantage of increased ownership possibilities.²

In these comments, we question and request that the Commission investigate more thoroughly the significance of the ownership limitation to the Single Majority Stockholder exemption. In addition, the Commission should question its assumption that a

² Two other prerequisites for taking advantage of the Single Majority Stockholder exemption are given: (1) the entity must be a corporation; and, (2) a majority of the stock must be owned by a single individual or entity. However, the ownership interest limitation appears to be the major basis of the Commission's decision.

49.9% shareholder does not possess a degree of influence, even in the single majority shareholder situation, for which it should be attributed with ownership. As we demonstrate below, much more information is needed on the ownership patterns of licensees and the flow of investment capital before this issue can be rationally resolved.

I. THE SINGLE MAJORITY SHAREHOLDER EXEMPTION IS CLEARLY AT ODDS WITH PAST PRECEDENT AND PRACTICE AND UNDERMINES MINORITY OWNERSHIP INCENTIVES.

The purpose of the multiple ownership rules, as stated in the Notice, is "to promote diversification of ownership in order to maximize diversification of program and service viewpoints as well as to prevent undue concentration of economic power contrary to the public interest." Amendment of Multiple Ownership Rules, 18 F.C.C. 288, 291 (1953). In adopting these rules, the Commission rejected "discounting" non-majority ownership holdings, because such a proposal "endeavor[s] to reduce to simple mathematical formulae matters that are incapable of such reduction." 18 F.C.C. at 292-93. The Commission further stated that "the principle of diversification and the realities of the situation require that no distinction be made between a minority non-controlling interest and a full or controlling one... [t]he holder of a small interest ... can exert a considerable interest -- to an extent clearly within the objectives and purview of the described diversification policy." Id. The Commission based its conclusion on findings

that there may be no correlation between the size of the minority holding and the extent of the influence wielded and that a non-majority investor that is interested in numerous stations is especially likely to be a substantial influence. Id. at 1569-70.

Because diversity is the primary goal of the multiple ownership rules, the Commission's concern in attributing ownership to an individual or entity historically has not been "legal control" but the capacity to influence corporate decision-making in any way. It is for this reason that investors with only 5-10% of a corporation's stock are nonetheless attributed with ownership for purposes of the multiple ownership rules. The approach adopted by the Commission in creating the Single Majority Shareholder exemption is clearly at odds with past practice and policy.

Further, the Single Majority Shareholder exemption was adopted with virtually no notice and very little discussion.³ There appear to be no comments directed to the issue in the summary of comments attached to the Attribution Rules Order. Given the complete break with past policy and the lack of prior notice and comment, we believe the Commission should rethink its position that, in the instance of a single majority shareholder,

3 In the Matter of Reexamination of the Commission's Rules and Policies Regarding the Attribution of Ownership Interests in Broadcast, Cable Television and Newspaper Entities, MM Docket No. 83-46, released April 30, 1984, ¶21, ("Attribution Rules Order").

"the minority interest holders, even acting collaboratively, would be unable to direct the affairs or activities of the licensee on the basis of their shareholdings." Attribution Rules Order at 11.

In practice, 49.9% shareholders, even in a single majority shareholder arrangement, can clearly influence corporate decision-making. For example, although the Commission notes that its rationale for the exemption is based "on the assumption that a simple majority vote is sufficient to affirmatively direct the affairs of a corporate licensee,"⁴ many corporations have cumulative voting (where the stockholder has a proportional voice on the corporate board) and require super-majority votes (more than a simple majority) for major decisions. Further, in practice there are an infinite number of ways in which a 49.9% (or less) shareholder can influence corporate policy -- by withholding additional capital investment, refusing to allow shares to be used as collateral, or threatening to sell to unfriendly hands, for example. In addition, investors often join forces because their assets are complementary: it is possible that the 49.9% shareholder may have needed expertise, business contacts or another essential component of a successful enterprise. Further, the 49.9% shareholder might hold a substantial amount of the corporation's debt as well as equity. While the Commission's assumption that the 49.9% shareholder cannot control corporate

4 Attribution Rule Order at 11 n.21.

decisionmaking where there is a single majority shareholder situation might be correct in theory, it bears little relationship to actual practice.

We also question whether the Single Majority Stockholder exemption has enough restrictions to warrant complete inaction by the Commission. Similar to the Single Majority Shareholder exemption, an investor who is not a member of a minority group in a minority-controlled licensee cannot own more than 49.9% of the licensee.⁵ While a group of minority owners may not necessarily vote as a block, it is likely that they will agree on many management decisions, having an effect similar to that of the single majority shareholder.⁶ Further, although the investor utilizing the Single Majority Shareholder exemption cannot hold a corporate office, the investor's representative can participate on the Board. Thus, in practice, it seems very likely that an investor's ability to control or influence a licensee in either instance, may be very similar.

The similarity in the opportunity for investor influence presented by these two situations is particularly troubling

5 The definition of minority-controlled for these purposes states that "more than 50% of the licensee must be owned by a minority group." 47 C.F.R. 73.3555(d)(3)(C).

6 The purpose of the minority incentive is to increase diversity by encouraging minority-controlled stations. It is presumed that sensitivity to and knowledge of minority viewpoints will enrich management and programming decisions.

because of the aspects of the Single Majority Shareholder Rule which, as identified by the Commission, make it more attractive to investors. These are the extension of the exemption to other media and the absence of restrictions on audience reach or type of persons holding a majority interest. Concern is further heightened by what appears to be the ubiquity of single majority shareholder investment opportunities throughout the broadcast industry. According to a survey of Ownership Reports conducted by the Commission's staff, roughly "40% of small licensees were held by a sole person or entity ... or were shared evenly between two owners," while one-third of the remaining licensees are held in part by a single majority stockholder.⁷ Thus, investors in a very high percentage of small licensees can qualify for relief under the Single Majority Stockholder Rule.⁸ The large percentage of licensees which present opportunities for an exception to the multiple ownership rules under the single majority shareholder provision illustrates that a great deal more information and analysis is required before the Commission can determine that the Single Majority Shareholder exemption does not create substantial investment competition for the minority incentive program, thereby

7 Licensee Stockholder Survey, at 1.

8 The Commission's survey does not indicate the market share or audience reach of the licensees surveyed and this information might mollify these statistics somewhat.

undermining its effectiveness.⁹

A few other points made by the Commission deserve comment. The Notice states that it is not the purpose of the attribution rules to facilitate minority ownership, but to determine where owners influence decision-making. Notice at 4. While it may be true that the main purpose of the attribution rules is not specifically to facilitate minority ownership, ownership diversity is the ultimate goal of the rules, and the purpose of the minority incentive program is clearly to increase such ownership. Further, certainly neither the purpose nor a by-product of the attribution rules is to undercut minority incentives. Finally, a change in the Single Majority Shareholder exemption is consistent with the main purpose of the attribution rules since, as discussed earlier, 49% shareholders in corporations with a single majority shareholder do influence decisionmaking and therefore should be attributed with ownership. Clearly, it is the existence of this influence in practice that creates investment competition for the minority incentive program.

Finally, the Notice also states that it would be inadvisable to make national broadcast attribution rules different from those of local or other media. Notice at 5. However, because the

⁹ In addition, the Commission does not provide or appear to collect and process any information on the total ownership interest of any single non-majority stockholder, so that increased and adverse concentration that may be brewing at the local, as well as national level, as a result of this exemption will go unmonitored by the Commission.

airwaves belong to the public, broadcast is different from other media, and may in some instances require different rules in order to achieve greater diversity. Indubitably, the administrative convenience of having absolutely uniform attribution rules cannot override the paramount goal of greater ownership and viewpoint diversity which is served by the minority incentive provision.

CONCLUSION

The Commission's rationale, while mathematically unassailable, overlooks certain situations and methods by which significant minority stockholders may influence corporate policy and practice. By relying on the single dimensional thesis that majority voting power always forecloses minority influence, the Commission has failed to focus on less formal, but pervasive, stockholder practices. Further, by not acknowledging the interdependent relationship between majority and significant minority stockholders, the Commission deemphasizes the tendency of significant minority stockholders to police their interests more zealously than less significant holders. In sum, the Commission's rationale undermines diversity generally and specifically undercuts minority ownership incentives.

Since investment capital is limited, BCFM concludes that the Single Majority Stockholder Rule inherently frustrates the minority incentive rules. This is so because the Single Majority Stockholder Rule creates investment competition for minority controlled licensees. Thus, by broadening the constellation of

investment opportunities that escape the provisions of the multiple ownership rules, the Single Majority Stockholder Rule has the potential to draw significant amounts of capital away from minority investment.

For the foregoing reasons, BCFM urges the Commission to reconsider and withdraw the Single Majority Stockholder Rule. Should the Commission refuse to take this course of action, it should at a minimum immediately institute a study to determine and to monitor the impact of the Single Majority Stockholder Rule on concentration of ownership and minority ownership.

Respectfully submitted,



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Broadcasting, and Telecommunications
Research and Action Center

August 7, 1985

EXHIBIT 5

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Reexamination of the "Single)
Majority Stockholder" and)
"Minority Incentive" Provisions)
of Section 73.3555 of the)
Commission's Rules and Regulations)

FCC
Office of the Secretary
MM Docket No. 85-192 ✓

To: The Commission

COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS

1. The National Association of Broadcasters
("NAB")^{1/} submits these Comments in response to the Commis-
sion's Notice of Proposed Rule Making ("Notice")^{2/} examining
the interplay between the "single majority stockholder" ex-
ception to the Commission's ownership attribution rules^{3/}

^{1/} NAB is a nonprofit incorporated association of radio and
television broadcast stations and networks. NAB membership
includes more than 4500 radio stations, 800 television
stations and the major commercial broadcast networks.

^{2/} Notice of Proposed Rule Making in MM Docket No. 85-192,
FCC 85-303, 50 Fed. Reg. 27,629 (July 5, 1985).

^{3/} See 47 C.F.R. § 73.3555 note 2(b), 76.501 note 2(b)
(1984); see also Report and Order in MM Docket No. 83-46, FCC
84-115, 97 F.C.C.2d 997, 1008-09 (1984), reconsid. granted
in part, Memorandum Opinion and Order in MM Docket No. 83-46,
FCC 85-252, 58 R.R.2d (P&F) 604 (1985).

and the "minority incentive" provisions that emerged from the Commission's "12 station" proceeding.^{4/} The Notice seeks comment as to how these provisions may operate at cross purposes and suggested changes in these provisions that may reconcile any perceived conflict. NAB strongly supports minority incentives that foster increased investment in minority-controlled stations. However, any conflict between these two provisions that dilutes the effectiveness of the minority incentive provisions should be resolved by strengthening these provisions rather than by weakening or eliminating the single majority stockholder rule.

2. Both the proceedings from which the "single majority stockholder" exception^{5/} and the "minority incentive" provisions^{6/} emerged, and the purposes underlying implementation of these provisions, were distinct. Any correlation between these provisions, in terms of their working at "cross-purposes," was, of course, unintended and, at this time, appears speculative. However, one salient fact is clear: both provisions were implemented for laudable purposes and,

^{4/} Memorandum Opinion and Order in Gen. Docket No. 83-1009, FCC 89-638, 57 R.R.2d (P&F) 966 (1985).

^{5/} Report and Order, supra note 3.

^{6/} Memorandum Opinion and Order, supra note 4.